

Chesapeake Bay Exception CBE-12-069: 125 Mattaponi Trail - Pratt

Staff report for the February 8, 2012 Chesapeake Bay Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant:	Norman J. Pratt
Land Owner:	Norman J. Pratt
Location:	125 Mattaponi Trail
Parcel:	Lot 17, Season's Trace Subdivision
Parcel Identification:	3232200017
Lot Size:	0.58 acres
RPA Area on Lot:	0.48 acres or 83% of the lot (RPA only)
Watershed:	Powhatan Creek (HUC Code JL31)
Proposed Activity:	Installation of wooden steps and landing to connect existing patio to backyard.

Proposed Impacts

Impervious Area:	72 square feet (approximate)
RPA Encroachment:	72 square feet to the landward 50 foot RPA Buffer

Brief Summary and Description of Activities

Mr. Norman J. Pratt has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into the RPA buffer for the construction of a set of steps and an associated wooden landing to connect an existing deck and patio to the backyard of the property. The project is located at 125 Mattaponi Trail within the Season's Trace subdivision. The lot was platted following the 1990 adoption of the Chesapeake Bay Preservation Ordinance but prior to the 2004 revisions to the Ordinance. The proposed improvements are within the landward 50 foot RPA buffer.

The proposed improvements will be located within the landward 50' RPA buffer in areas directly adjacent to the existing residence. The proposed steps and wooden landing will be located directly adjacent to the existing patio and deck to provide a safe access to the backyard area.

Staff Recommendations

The issue before the Board is the installation of the steps and wooden landing that will create 72 square feet of impervious area within the landward RPA buffer. The Board is to determine whether or not this is consistent with the spirit and intent of the Ordinance and make a finding based upon the criteria outlined in Section 23-14 (c) of the Ordinance. There are five review criteria within this section of the ordinance.

Staff recommends approval of the application with the incorporation of the following conditions into the approval:

1. The applicant must obtain all other necessary local permits as required for the project.
2. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and proposed shrubs shall be minimum three gallon size.
3. Full implementation of the approved RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through a form of surety satisfactory to the County Attorney and the provisions of the Ordinance contained in Sections 23-10(3) (d) and 23-17(c).
4. This exception request approval shall become null and void if construction has not begun by February 8, 2013.
5. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

Background

Based on staff review of County records, the lot was recorded following the adoption of the Chesapeake Bay Preservation Ordinance. As the proposed accessory structures are located within the RPA buffer, they cannot be administratively reviewed and therefore in accordance with section 23-14 of the Ordinance, an exception request must be considered by the Chesapeake Bay Board following public hearing under the formal exception process. The exception request before the board, and decision to approve or deny by resolution, is for encroachment into the RPA buffer for the construction of the steps and wooden landing adjacent to the existing patio and deck.

Water Quality Impact Assessment (WQIA)

Under Sections 23-11 and 23-14 of the County's Chesapeake Bay Preservation ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a County *Sensitive Area Activity Application* and a detailed mitigation plan, both of which are included in the case report packet.

The applicant provided mitigation for impacts from a previous administratively approved exception request (CBE-12-045) that consisted of six native shrubs or two native understory trees. The previously approved mitigation and surety is adequate to offset both project impacts and is acceptable to staff as proposed.

Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-12-069 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-12-069 are included for the Board's use and decision.

Staff Report prepared by:

Michael P. Majdeski
Senior Resource Protection Inspector

CONCUR:

Michael D. Woolson
Secretary to the Board

Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Sensitive Area Activity Application